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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/180,691	07/08/1999	DIETMAR KELL	10191/874	7075
26646	7590	02/09/2005	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			BURD, KEVIN MICHAEL	
			ART UNIT	PAPER NUMBER
			2631	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/180,691	KELL ET AL.
Examiner	Art Unit	
Kevin M. Burd	2631	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 08 November 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 13-24 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 13-24 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.

1. This office action, in response to the remarks filed 11/8/2004, is a non-final office action.

***Response to Arguments***

2. Applicant's arguments on pages 2-6 of the remarks filed 11/8/2004, with respect to claims 13-24 have been fully considered and are persuasive. The 35 USC 112 first paragraph rejection of claims 13-24 has been withdrawn.

New rejections of the claims are stated below.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 13-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Pressel et al (US 5,900,825).

Regarding claims 13 and 23, Pressel discloses an apparatus and a method for geographically selecting digitally coded messages that are emitted from a plurality of transmitters. The transmitters transmit digitally coded messages containing vehicle

location data (location data) and these digitally coded messages are received in the vehicles (column 4, lines 25-34). These messages are location specific (column 5, lines 40-65) and this location specific information is the "selection data". This "selection data" will be indicative of a respective transmission region of one of the roadside transmitters such as traffic, weather, detour information, etc. (column 6, lines 38-48). The receiver system on the vehicle compares the position of the vehicle to the intended location indicated by each message (column 3, lines 52-54). If a match occurs, the information will be provided to the operator of the vehicle (abstract and column 5, lines 61-65).

Regarding claim 14, each encoded digital message includes some digital information that identifies a location for which the message is destined (column 10, lines 30-33). The transmitter transmitting the message will be found in its transmission region.

Regarding claim 15, each encoded digital message includes some digital information that identifies a location for which the message is destined (column 10, lines 30-33). Pressel discloses considering a coordinate position system (column 8, lines 51-67).

Regarding claim 16, a number of transmitters will transmit identical information if a wider area requires the information. For example, when transmitting weather information, more than one roadside transmitter will be contained inside say a thunderstorm and the transmitters will need to communicate the weather to a vehicle for many miles.

Regarding claim 17, the messages are location specific (column 5, lines 40-65) and this location specific information is the “selection data”. This “selection data” will be indicative of a respective transmission region of one of the roadside transmitters such as traffic, weather, detour information, etc. (column 6, lines 38-48). This “selection data” is the “reference data”.

Regarding claim 18, each encoded digital message includes some digital information that identifies a location for which the message is destined (column 10, lines 30-33). These messages are location specific (column 5, lines 40-65) and this location specific information is the “selection data”. This “selection data” will be indicative of a respective transmission region of one of the roadside transmitters such as traffic, weather, detour information, etc. (column 6, lines 38-48).

Regarding claim 19, each encoded digital message includes some digital information that identifies a location for which the message is destined (column 10, lines 30-33). Pressel discloses considering a coordinate position system (column 8, lines 51-67).

Regarding claims 20 and 21, each encoded digital message includes some digital information that identifies a location for which the message is destined (column 10, lines 30-33).

Regarding claim 22, each encoded digital message includes some digital information that identifies a location for which the message is destined (column 10, lines 30-33). Pressel discloses considering a coordinate position system (column 8, lines 51-67).

Regarding claim 24, the receiver system receives signals in a proper order to select the correct digitally coded messages (column 8, lines 51-67).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Burd whose telephone number is (571) 272-3008. The examiner can normally be reached on Monday - Thursday 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Kevin M. Burd  
2/7/2005

**KEVIN BURD  
PRIMARY EXAMINER**